

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1828-01
Bill No.: HB 763
Subject: Boards, Commissions, Committees, Councils; Conservation Department;
Corporations; State Departments
Type: Original
Date: April 17, 2015

Bill Summary: This proposal bans the Conservation Commission and the Department of Conservation from engaging in prohibited conduct with a connected not-for-profit corporation.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Conservation Commission	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
Total Estimated Net Effect on <u>Other</u> State Funds	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

§ 252.350 - Conservation Commission & Department of Conservation Prohibited Conduct with a Connected Not-for-Profit Corporation:

Officials from the **Department of Conservation (MDC)** assume this proposal would impact MDC's ability to work with not-for-profit organizations such as the National Wild Turkey Federation (NWTF), Quail Forever, and Ducks Unlimited among others for the purpose of developing wetlands projects, fish habitat structures, and other conservation projects. Most major wetland projects have multiple partners, some with cash, land or in-kind services for match.

In response to similar legislation from 2015 (SCS for SB 337), MDC assumed this proposal would impact MDC's ability to work with programs such as:

Missouri Girls Discover Nature Camps
National Hunting/Fishing Day Events
Track Chairs
Wounded Warrior Hunts
Stream Stewardship Trust Fund
Kid's Fishing Day Events
Eagle Days
Invasive Species Control
Tree Work
MDC/DU Greenwing Events
Bridge Replacement Efforts with County Governments
Joplin Tree Recovery

MDC assumes an unknown negative fiscal impact, but significantly greater than (\$100,000), if MDC decides to fund the foundations' costs for these events.

ASSUMPTION (continued)

Oversight assumes MDC would fund some of these events previously paid for by not-for-profit foundations with funds from the Conservation Commission Fund. For the purpose of the fiscal note, Oversight will assume these costs will be more than (\$100,000).

Officials at the **Office of Prosecution Services (OPS)** assumes no measurable fiscal impact to OPS. The creation of a new crime creates additional responsibilities for county prosecutors. This may in turn result in additional costs which are difficult to determine.

Oversight assumes OPS and county prosecutors can absorb any costs related to this proposal.

In response to similar legislation from 2015 (SB 337), officials at the **Office of State Public Defender (SPD)** could not assume that existing staff will provide effective representation for any new cases arising where indigent persons are faced with the proposed new crime of engaging in prohibited conduct with a connected not-for-profit corporation, a new Class B misdemeanor.

SPD assumes while the number of new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of State Courts Administrator** assume the proposal would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
CONSERVATION COMMISSION FUND			
Cost - MDC			
§ 252.350 - cost of conservation events previously paid for by a not-for-profit foundation	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE CONSERVATION COMMISSION FUND	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)
 <u>FISCAL IMPACT - Local Government</u>	 FY 2016 (10 Mo.)	 FY 2017	 FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

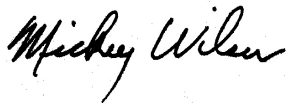
§ 252.350 - Conservation Commission & Department of Conservation Prohibited Conduct with a Connected Not-for-Profit Corporation:

This proposal bans the Conservation Commission and the Department of Conservation from engaging in prohibited conduct with a connected not-for-profit corporation. "Prohibited conduct" and "connected not-for-profit corporation" are defined as set forth in the proposal. Any person damaged due to a violation of this section may bring suit in any court of competent jurisdiction. If the person bringing the action is the prevailing party, they may be awarded reasonable attorney's fees and court costs. Any person who knowingly and willfully violates this provision is guilty of a Class B misdemeanor.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Conservation
Office of State Courts Administrator
State Public Defender's Office
Office of Prosecution Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 17, 2015

Ross Strobe
Assistant Director
April 17, 2015